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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,693

07/05/2007

Udo Skerdi

P-1313

9459

1695

7590

12/23/2008

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SUITE 2100

LOUISVILLE, KY 40202

EXAMINER

LIN, KUANG Y

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,693	Applicant(s) SKERDI, UDO	
	Examiner Kuang Y. Lin	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18 and 19 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/2/07</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. Applicant is requested to provide in the specification the headings, such as "background of the invention", "summary of the invention", "brief description of the drawings", and "detailed description of the drawings", to render the specification in a better format.
2. Claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The word "deforming" shall be changed to "deformable" to render the meaning definite.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 and 9-11 and 14-16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US 6,904,952 to Skerdi et al. (see the drawings and the corresponding specification).

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5. Claims 1-3, 9-11, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE 201 12 425 (see, for example, figures 1 and 2 and the corresponding specification).

6. Claims 1-4, 9-11 and 14-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by either DE101 42 357 or DE 100 59 481 (see, for example, the drawings and the abstract).

It is noted that those DE references have US counterparts: US 7,320,355 and US 6,904,952.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-8, 12, 13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,904,952 to Skerdi et al.

Each of the references substantially shows the invention as claimed except that it does not show the specific configuration and the composition of the metallic annulus as claimed. However, the specific configuration and the composition of the metallic annulus to be used depend on the compacting pressure during the mold making process and the particular molten metal composition and the molten metal temperature. It would have been obvious to obtain the optimal configuration and the composition of the metallic annulus through routine experimentation.

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9. Claims 4-8, 12, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 201 12 425.

DE '425 substantially shows the invention as claimed except that it does not show the specific configuration and the composition of the metallic annulus as claimed. However, the specific configuration and the composition of the metallic annulus to be used depend on the compacting pressure during the mold making process and the particular molten metal composition and the molten metal temperature. It would have been obvious to obtain the optimal configuration and the composition of the metallic annulus through routine experimentation.

10. Claims 5-8, 12, 13, 18 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over either DE101 42 357 or DE 100 59 481.

Both DE references substantially show the invention as claimed except that it does not show the specific configuration and the composition of the metallic tube as claimed. However, the specific configuration and the composition of the metallic tube to be used depend on the compacting pressure during the mold making process and the particular molten metal composition and molten metal temperature. It would have been obvious to obtain the optimal configuration and the composition of the metallic tube through routine experimentation.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 571-272-1179. The examiner can normally be reached on Monday-Friday, 10:00-6:30.,

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica L. Ward can be reached on 571-272-1223. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kuang Y. Lin/
Primary Examiner, Art Unit 1793

12-19-08